

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Chapter 7

Dennis E. Hecker,

Bky. Case No. 09-50779-RJK

Debtor.

Randall L. Seaver, Trustee,

Adv. No. 09-5030

Plaintiff,

vs.

Northstate Financial Corporation, Rosedale
Leasing, LLC, Bremer Bank, N.A., and
James W. Plummer,

Defendants.

**APPLICATION FOR DEFAULT JUDGMENT AGAINST DEFENDANTS
NORTHSTATE FINANCIAL CORPORATION, ROSEDALE LEASING, LLC,
AND JAMES W. PLUMMER**

TO: NORTHSTATE FINANCIAL CORPORATION, ROSEDALE LEASING, LLC, AND
JAMES W. PLUMMER AND THE COURT.

1. Plaintiff Randall L. Seaver, trustee of the Chapter 7 bankruptcy estate of Dennis E. Hecker, by his undersigned counsel, applies under Local Rule 7055-1 for entry of default judgment against Defendant Northstate Financial Corporation (“Northstate”), Rosedale Leasing, LLC (“Rosedale”), and James W. Plummer (“Plummer”) in the above-captioned adversary proceeding.

2. Plaintiff applies for entry of default judgment (1) determining that Plummer has no interest in that certain 2007 Cobalt 222 boat, serial no. FGE11242A707, and trailer, identified as the “Cobalt Boat” in the Amended Complaint in this adversary proceeding; and (2) avoiding

under 11 U.S.C. § 548(a)(1)(A) the debtor's transfer of the Cobalt boat, of a 2008 Malibu Wakesetter 23 boat, serial no. MB2S7167H708 and trailer, and a 2008 Harley Davidson FXDSE2, vehicle identification no. 1HD1PS8148K977133.

3. This application is based upon the Declaration of Randall L. Seaver and exhibits thereto, Fed. R. Bankr. P. 7055, and upon the files, records, and proceedings herein.

Dated: January 25, 2010

LAPP, LIBRA, THOMSON, STOEBNER
& PUSCH, CHARTERED

By: /e/ Ralph V. Mitchell
Ralph V. Mitchell (#184639)
Tyler D. Candee (#0386598)
One Financial Plaza, Suite 2500
120 South Sixth Street
Minneapolis, MN 55402
T (612) 338-5815
F (612) 338-6651
RMitchell@lapplibra.com
TCandee@lapplibra.com

**ATTORNEYS FOR PLAINTIFF
RANDALL L. SEAVER, TRUSTEE**

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Chapter 7

Dennis E. Hecker,

Bky. Case No. 09-50779-RJK

Debtor.

Randall L. Seaver, Trustee,

Adv. No. 09-5030

Plaintiff,

vs.

Northstate Financial Corporation, Rosedale
Leasing, LLC, Bremer Bank, N.A., and
James W. Plummer,

Defendants.

**DECLARATION OF RANDALL L. SEAVER IN SUPPORT OF PLAINTIFF'S
APPLICATION FOR DEFAULT JUDGMENT**

Randall L. Seaver declares under penalty of perjury as follows:

1. I am the plaintiff in my capacity as trustee of the Chapter 7 bankruptcy estate of Dennis E. Hecker, and plaintiff in this adversary proceeding ("Plaintiff"). I make this declaration based upon my personal knowledge and review of the files and correspondence in this matter.

A. DEFENDANTS' DEFAULT

2. This adversary proceeding was commenced by Complaint filed on August 12, 2009 [*See Doc. No. 1.*] On September 8, 2009, Plaintiff filed an Amended Complaint to add James W. Plummer as a Defendant and to assert claims against Mr. Plummer. [*See Doc. No. 6.*]

The Summons for the Amended Complaint was issued that same day. [See Doc. No. 7.]

3. On September 10, 2009, my counsel in this matter, Lapp, Libra, Thomsom, Stoebner & Pusch Chartered served the Summons and Amended Complaint, by certified mail and first-class mail, upon all Defendants. An Unsworn Certificate of Service was filed with the Court that same day. [See Doc. No. 8.] Attached hereto as Exhibits A, B, C, and D, respectively, are true and correct copies of the ‘Domestic Return Receipt’ with respect to the certified mail service upon Defendants Northstate Financial Corporation (“Northstate”), Rosedale Leasing, LLC (“Rosedale”), Bremer Bank, N.A. (“Bremer”), and Mr. Plummer. I am informed that none of the four services accomplished by first-class mail were returned.

4. On December 1, 2009, Defendant Bremer and Plaintiff entered into a Stipulation by which Bremer disclaimed any interest in the property at issue in this adversary proceeding. [See Doc. No. 10.] The Court approved the stipulation and entered judgment to that effect against Bremer on December 2, 2009. [See Doc. No. 11.]

5. More than 30 days have now passed since the date the Summons was issued and since the Summons and Amended Complaint were served upon the Defendants. None of Northstate, Rosedale, or Mr. Plummer have served or filed an Answer or otherwise defended against the Amended Complaint in this adversary proceeding. As a result they are deemed to have admitted the allegation of the Amended Complaint.

6. I am aware that on or about August 18, 2009, approximately one month before Mr. Plummer was served with the Summons and Complaint, he sent a letter to me, a true and correct copy of which is attached hereto as Exhibit E.

B. IDENTIFICATION OF DEFENDANTS

7. To the best of my knowledge, information and belief, Defendant James W. Plummer's full name and address is: James W. Plummer, 5675 Trenton Lane North, Plymouth, MN 55442. To the best of my knowledge, information and belief, James W. Plummer is not now in the military service or of incompetent status.

8. To the best of my knowledge, information and belief, Defendant Northstate Financial Corporation's full name and address is: Northstate Financial Corporation, 500 Ford Road, St. Louis Park, MN 55426. To the best of my knowledge, information and belief, Northstate Financial Corporation is not now in the military service or of incompetent status.

9. To the best of my knowledge, information and belief, Defendant Rosedale Leasing, LLC's full name and address is: Rosedale Leasing, LLC, 500 Ford Road, St. Louis Park, MN 55426. To the best of my knowledge, information and belief, Rosedale Leasing, LLC is not now in the military service or of incompetent status.

C. MERITS OF THE ACTION

10. As alleged in the Amended Complaint, and deemed admitted, Northstate and Rosedale are entities which were controlled by Debtor. (*See* Amended Compl. at ¶¶ 4-9.)

11. As alleged in the Amended Complaint, and deemed admitted, Debtor and Rosedale formerly were the titled owners of a 2007 Cobalt 222 boat, serial no. FGE11242A707, including a trailer (the "Cobalt Boat") and a 2008 Malibu Wakesetter 23 boat, serial no. MB2S7167H708, including a trailer (the "Malibu Boat"). (*See* Amended Compl. at ¶¶ 11-14, Exs. A-C.)

12. As alleged in the Amended Complaint, and deemed admitted, Debtor and Rosedale transferred the Cobalt Boat and the Malibu Boat and their respective trailers to

Northstate on or about February 17, 2009. (*See* Amended Compl. at ¶¶ 15-17, Ex. D.)

13. As alleged in the Amended Complaint, and deemed admitted, Debtor purchased a 2008 Harley Davidson FXDSE2, vehicle identification no. 1HD1PS8148K977133 (the “Motorcycle”) in December 2008. Debtor paid for the Motorcycle with his personal funds, but caused it to be titled in the name of Northstate. (*See* Amended Compl. at ¶¶ 19-21, Ex. E-F.)

14. As alleged in the Amended Complaint, and deemed admitted, Debtor did not disclose in his schedules the transfers of, or his interest in, the Motorcycle, the Cobalt Boat, or the Malibu Boat. (*See* Amended Compl. at ¶ 22.)

15. As alleged in the Amended Complaint, and deemed admitted, at all times relevant hereto, Debtor maintained possession, use, and control of the Cobalt Boat, the Malibu Boat, and the Motorcycle. (*See* Amended Compl. at ¶¶ 18, 21.)

16. As alleged in the Amended Complaint, and deemed admitted, at all times relevant hereto, Debtor was insolvent. (*See* Amended Compl. at ¶¶ 29, 34.)

17. In Mr. Plummer’s August 18, 2009 letter to me, Mr. Plummer apparently admits that the Cobalt Boat was not, nor was it ever intended to be, titled in Mr. Plummer’s name. According to Mr. Plummer, the Cobalt Boat was intended to be titled in the name of a separate entity, P and H LLC, pursuant to an alleged transaction involving Mr. Plummer, Debtor, and co-Defendant Northstate.

18. As described above, the Cobalt Boat was not titled in the name of P and H LLC.

19. According to my counsel’s review of the online records of the Minnesota Secretary of State’s Office, there is no entity in Minnesota known as P and H LLC, or any entity with a similar name whose registered address is 500 Ford Road in St. Louis Park, Minnesota. This is the same address used by Northstate and Rosedale.

20. Based on the foregoing and Mr. Plummer's failure to answer the Amended Complaint, it appears that Mr. Plummer has decided not to assert any personal interest in the Cobalt Boat.

21. Subsequent to commencement of Debtor's bankruptcy case, I acquired physical possession of the Malibu Boat.

22. I brought this adversary proceeding to obtain clear title to property of the estate titled in the name of others.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct

Executed on January 25, 2010, at Minneapolis, Minnesota.


Randall L. Seaver

EXHIBIT A

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

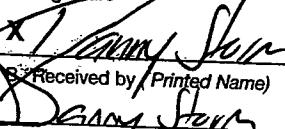
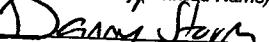
1. Article Addressed to:

Northstate Financial Corporation
ATTN: Officer or Managing Agent
500 Ford Road
St. Louis Park, MN 55426

2. Article Type

(Trans)

PS Form

COMPLETE THIS SECTION ON DELIVERY**A. Signature** Agent
 Addressee**B. Received by / Printed Name****C. Date of Delivery****D. Is delivery address different from item 1?** Yes
If YES, enter delivery address below: No**3. Service Type**

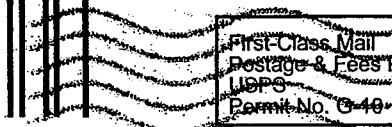
- | | |
|--|--|
| <input checked="" type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail |
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail | <input type="checkbox"/> C.O.D. |

4. Restricted Delivery? (Extra Fee) Yes

695-02-M-1540

UNITED STATES POSTAL SERVICE

11 SEP 2000 1 PM 2000


First-Class Mail
Postage & Fees Paid
USPS
Permit No. 840**• Sender: Please print your name, address, and ZIP+4 in this box •**

Lapp, Libra, Thomson, Stoebner & Pusch
Chartered
One Financial Plaza Suite 2500
Minneapolis, MN 55402



EXHIBIT B

SENDER: COMPLETE THIS SECTION

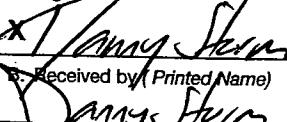
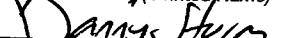
- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Rosedale Leasing, LLC,
ATTN: Officer or Managing Agent
500 Ford Road
St. Louis Park, MN 55426

**2. Article Name
(Transfer)**

PS Form 3

COMPLETE THIS SECTION ON DELIVERY**A. Signature** Agent
 Addressee**B. Received by / Printed Name****C. Date of Delivery****D. Is delivery address different from item 1?** Yes
If YES, enter delivery address below: No**3. Service Type**

- | | |
|--|--|
| <input checked="" type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail |
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail | <input type="checkbox"/> C.O.D. |

4. Restricted Delivery? (Extra Fee) Yes

-02-M-1540

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Lapp, Libra, Thomson, Stoebner & Pusch
Chartered
One Financial Plaza Suite 2500
Minneapolis, MN 55402

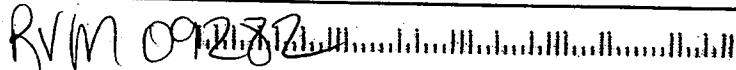


EXHIBIT C

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece or on the front if space permits.

1. Article Addressed to:

Bremer Bank, N.A.
ATTN: Officer or Managing Agent
633 South Concord Street
So. St. Paul, MN 55075

2. Article
(Trans.)
PS Form

COMPLETE THIS SECTION ON DELIVERY**A. Signature****X** Agent
 Addressee**B. Received by (Printed Name)****C. Date of Delivery**

F. SCV/psb SOUTHERN MAIL CENTER
SEP 11 2009
USPS

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below:

3. Service Type

- | | |
|--|--|
| <input checked="" type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail |
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail | <input type="checkbox"/> C.O.D. |

4. Restricted Delivery? (Extra Fee) Yes

2595-02-M-1540

UNITED STATES POSTAL SERVICE



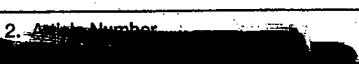
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Lapp, Libra, Thomson, Stoebner & Pusch
Chartered
One Financial Plaza Suite 2500
Minneapolis, MN 55402

RVM 09/12/2012

EXHIBIT D

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature </p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>E. Address Number  7008 1140 0001 8856 2296</p> <p>F. Article Addressed to: James W. Plummer 5675 Trenton Lane North Plymouth, MN 55442</p> <p>G. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. </p> <p>H. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1549</p>			

UNITED STATES POSTAL SERVICE		 <div style="border: 1px solid black; padding: 2px; display: inline-block;"> First-Class Mail Postage & Fees Paid USPS Permit No. G-10 </div>
<p>• Sender: Please print your name, address, and ZIP+4 in this box •</p> <p>Lapp, Libra, Thomson, Stoebner & Pusch Chartered One Financial Plaza Suite 2500 Minneapolis, MN 55402</p>		

RVM 09282

EXHIBIT E

August 18, 2009

To: Randy Seaver, Matt Burton, Clint Cutler

Re: 2007 Cobalt 222 and trailer Hull ID # FGE11242A707

I don't understand the order to hold my boat and trailer hostage, as no one has contacted me for details on this transaction. This is a brief overview of the facts.

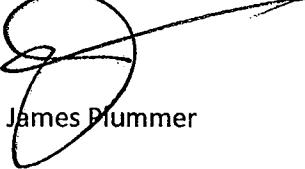
On July 14th 2007 I traded my 2004 Sea Ray and trailer in on a 2007 Cobalt and trailer that better fit my family's needs. The equity in my trade covered roughly half of the cost of the transaction. Denny agreed to have Northstate Financial advance the remaining funds until my performance bonus was paid. It was with this understanding that the boat was to be titled under a new company P and H LLC that Northstate would retain a percentage of ownership and be listed as secured lender on title.

I completed the paperwork with Nisswa Marine, took delivery and forwarded the documents to Sue Miller to pay the balance which she did. I received an email from Sue stating that the insurance should read Rosedale leasing LLC/Will Plummer/Denny Hecker due to the umbrella policy Denny had for any personal exposure. On 8/9/07 I received registration info showing that Sue had changed it to Rosedale Leasing and Denny without my name. I emailed her at that time asking if she had titled it with my name as well as it was my boat. She replied on 8/10/07 that she had done it in all 3 names.

The discrepancy was found and the decision was made to add Northstate as secured lender as it shows today. Inadvertently title was transferred to Northstate. No one was trying to hide assets or defraud creditors. It was an error corrected to make sure the lender was in fact on title. For the record I have paid all insurance, maintenance, gas, storage and been the only user of this boat.

I have attached copies of the original watercraft title and registration form and delivery sheet from Nisswa Marine showing P and H LLC and the two emails from Sue Miller mentioned above. I have contacted my attorney and his official response will be coming forthwith.

Regards,



James Plummer



STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
LICENSE BUREAU
500 LAFAYETTE ROAD
ST. PAUL, MINNESOTA 55155-4026

WATERCRAFT TITLE and REGISTRATION APPLICATION

DNR USE ONLY

REGISTRATION NO. (MUST BE INDICATED)				EXPIRES LAST DAY OF (MONTH) (YEAR)	PURCHASE DATE	STATE WHERE WATERCRAFT LAST TITLED AND REGISTERED OR MSO					
					7/14/72						
SECTION 1 PURCHASER(S)	LAST	FIRST	FULL MIDDLE NAME		DRIVERS LICENSE NO.		DATE OF BIRTH				
	P AND H LLC		FIRST	FULL MIDDLE NAME		DRIVERS LICENSE NO.		Mo. Day Yr.			
OWNER(S)	LAST	FIRST	FULL MIDDLE NAME		DRIVERS LICENSE NO.		Mo. Day Yr.				
	STREET ADDRESS		CITY	STATE	ZIP CODE	PHONE NO. (DURING 8-5 WORKING HOURS)		AREA CODE			
MUST COMPLETE	LENGTH	MAKE OF BOAT	MODEL	HULL I.D. NO. (WILL BE 12 CHARACTERS FOR 1972 AND UP)				YEAR			
SECTION 2 LOAN INFORMATION MUST COMPLETE	SAIL ONLY CANOE KAYAK MIDDLEBOAT POONTOON ROWBOAT OPENBOAT MOTORBOAT CABIN MOTOR HOUSEBOAT SAILBOARD INFRASTABLE RAFT & BOAT	ROVING SHELL PERSONAL WATER CRAFT (SUBAR AUTOMATIC SAIL OTHER	TYPE OF USE LEISURE RENTAL LEASE DEALER FOR MFG DEMO CHARTER FISHING NON-PROFIT COMMERCIAL FISHING CHARTER FISHING OTHERS DREDGING DEMOLITION SELF MATERIAL	WOOD ALUMINUM STEEL FIBERGLASS WHTU RUBBERCA RIGID HULL INFLATABLES OTHER	PROPELLER SAIL WATER JET AIR THRUST MANUAL ENGINE DRIVE TYPE INBOARD OUTBOARD STERN DRIVE INLAID	2000					
	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 89	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 6 9	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10	1 2 3 4 5 6 7 8 9 10			
	HP				200 H HP						
IS THIS WATERCRAFT SUBJECT TO SECURITY AGREEMENT(S)?											
<input type="checkbox"/> YES <input type="checkbox"/> NO	IF YES, COMPLETE INFORMATION BELOW										
FIRST SECURED PARTY (PRINT NAME)				TIME & DATE OF LOAN				NOTE: WHEN THERE IS A LIEN THE TITLE WILL BE SENT TO THE FIRST SECURED PARTY			
				AM	Mo.	Day	Yr.				
ADDRESS (NO. & STREET, RFD, BOX NO.)				CITY				STATE		ZIP CODE	
SECTION 3 SELLERS MUST COMPLETE AND SIGN									ASSIGNMENT BY SELLER		
I (WE) THE OWNER(S) OF THIS WATERCRAFT CERTIFY THE WATERCRAFT IS FREE OF ALL SECURITY INTERESTS, WARRANT TITLE, AND ASSIGN THE TAXES PAID TO THE PERSON(S) NAMED AS SELLER'S TRANSFEROR(S). SIGNATURE(S) (ALL SELLER'S MUST SIGN)									DATE OF SALE		
X STREET ADDRESS 33238 SMILEY ROAD									SECTION 4		
CITY MISSWA, MN 56463									Exotic Species Surcharge (Due with Registration/Renewal Only)		
DEALER NAME (If Seller is a dealer) MISSWA MARINE									Renewal/Registration (If Due)		
DEALER PHONE NUMBER 2188302292											
									SUBTOTAL		
									STATE/DEPUTY FEE		
									TOTAL AMOUNT DUE \$		
SECTION 5 ALL APPLICANTS MUST SIGN									DATE		
WE LISTED ABOVE AREWARE THE PURCHASERS OF THE WATERCRAFT DESCRIBED ABOVE AND DO HEREBY MAKE APPLICATION FOR THE CERTIFICATE OF TITLE AND CERTIFY, UNDER PENALTY OF PERJURY, THAT THE STATEMENTS MADE HEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, AND THAT THE WATERCRAFT IS SUBJECT TO THE LIEN AND ENCUMBRANCE LISTED AND NONE OTHER.									DATE		
X SIGNATURE MUST BE SIGNED PERSONALLY BY THE OWNER(S) IF FIRM OR CORPORATION BY AN AUTHORIZED AGENT									DATE		
ALL DATA COLLECTED ON A WATERCRAFT APPLICATION, WITH THE EXCEPTION OF YOUR HOME TELEPHONE NUMBER, ARE REQUIRED BY LAW. THESE DATA ARE USED TO IDENTIFY YOUR WATERCRAFT. FAILURE TO PROVIDE REQUIRED DATA MAY RESULT IN DENIAL OF THE TRANSFER OF OWNERSHIP, REGISTRATION OF THIS WATERCRAFT OR OTHER RELEVANT ACTION. YOUR RECORD IS PUBLIC AND TRANSCRIPTS MAY BE ISSUED TO ANYONE.									10-DAY TEMPORARY PERMIT		
DO NOT SIGN UNTIL COMPLETED											

THIS WATERCRAFT MAY BE OPERATED WITH THIS TEMPORARY PERMIT FOR A PERIOD OF TEN (10) DAYS FROM THE DATE OF ISSUANCE FOR THE PURPOSE OF OBTAINING MINNESOTA REGISTRATION. THIS PERMIT MAY NOT BE REPLACED OR UPDATED.

DATE PERMIT ISSUED

DATE PERMIT EXPIRES



COBALT BOATS

1715 N. 8th

NEODESHA, KS. 66757

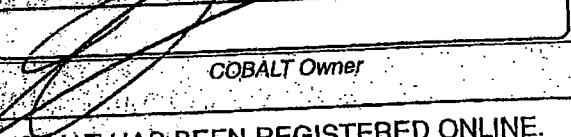
NEW BOAT CHECK SHEET

The top portion of this form is to be completed at the time of delivery of a new Cobalt with all items initialed and the form signed by both parties.
If the boat has been registered online, the bottom portion may be left blank with the exception of the owner's name.
Please send the hard card to Cobalt immediately to initiate the warranty program.

DATE 7/14/07

	Dealer Initials	Owner Initials	
Control operation			
Shift	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Throttle	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Power Trim	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Steering	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Electrical system			
Lights	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Blower	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Bilge pump	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Horn	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Cabin Distribution Panel	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Options (Docklights, stereo, etc.)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Instrument operation			
Power trim gauge	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Speedo, tach, etc.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Depth Gauge	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Service/Warranty			
Owner has received and read Cobalt Limited Warranty <input checked="" type="checkbox"/>			
Service Requirements (see back) <input checked="" type="checkbox"/>			
Winterization Requirements <input checked="" type="checkbox"/>			
Owner agrees to bring boat back to dealer for service <input checked="" type="checkbox"/>			
Owner agrees to service call charges, if applicable <input checked="" type="checkbox"/>			
Service arrangements with another marine dealer agreed upon <input checked="" type="checkbox"/>			
Misc.			
Engine Break in <input checked="" type="checkbox"/>			
Battery switch operation <input checked="" type="checkbox"/>			
Canvas installation and storage <input checked="" type="checkbox"/>			
Storage procedures (See back) <input checked="" type="checkbox"/>			
Owners Manual supplied <input checked="" type="checkbox"/>			
Washed and detailed <input checked="" type="checkbox"/>			
Water demonstrated <input checked="" type="checkbox"/>			


COBALT Delivery Specialist


COBALT Owner

THIS OWNER HAS OWNED COBALT(S) PREVIOUSLY.

YES, THIS NEW COBALT HAS BEEN REGISTERED ONLINE.
(INCLUDE OWNER'S NAME ONLY IN THE SPACE PROVIDED BELOW.)

OWNERS NAME (Required)

P and H LLC

MAILING ADDRESS

500 Ford Rd

SHIPPING ADDRESS

CITY, STATE, ZIP ST LOUIS PARK MN 55416

HOME PH 763 439 7376 WORK PH

E-MAIL ADDRESS NISSWA MARINE, MINNESOTA

DEALER & LOCATION NISSWA MARINE, MINNESOTA

BOAT SERIAL # US-FGE 11242A707

ENGINE SERIAL # 0W682679 DRIVE SERIAL # 0W931317

DRIVE SERIAL #

DRIVE SERIAL #

When this form is returned to COBALT, you will be sent an engraved owners plaque that can be mounted on your COBALT. The plaque says: "This COBALT has been designed and styled especially for:

P + H LLC

For example: Mr. & Mrs. John Doe, Capt. and Mrs. John Doe, The John Doe Family, etc.)

Salesperson's Number & Name

Untitled Message

Susan A. Miller

Sent: Tuesday, July 17, 2007 11:52 AM

To: Will Plummer

Insurance:

Put Boat under
Rosedale Leasing, LLC
Will Plummer
Dennis Hecker

no P and H LLC

RE:

Page 1 of 1

RE:

Susan A. Miller

Sent: Friday, August 10, 2007 7:45 AM

To: Will Plummer

Hey, where is this baby?

-----Original Message-----

From: Will Plummer
Sent: Friday, August 10, 2007 7:41 AM
To: Susan A. Miller
Subject: Re:

Ok thanks

Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Susan A. Miller
To: Will Plummer
Sent: Fri Aug 10 07:32:31 2007
Subject: RE:

Should have all 3

-----Original Message-----

From: Will Plummer
Sent: Thursday, August 09, 2007 7:07 PM
To: Susan A. Miller
Subject:

I got the plates and registration for boat thanks. Does the paperwork list both dh and me on it? The dnr sticker just shows rosedale llc and dh. Just checking thanks.

Sent from my BlackBerry Wireless Handheld

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Chapter 7

Dennis E. Hecker,

Bky. Case No. 09-50779-RJK

Debtor.

Randall L. Seaver, Trustee,

Adv. No. 09-5030

Plaintiff,

vs.

Northstate Financial Corporation, Rosedale
Leasing, LLC, Bremer Bank, N.A., and
James W. Plummer,

Defendants.

UNSWORN CERTIFICATE OF SERVICE

I, Janet L. Pipp, declare under penalty of perjury that on January 25, 2010, I mailed a copy of the following documents:

- (1) Application For Default Judgment Against Defendants Northstate Financial Corporation, Rosedale Leasing, LLC, And James W. Plummer;
- (2) Declaration Of Randall L. Seaver In Support Of Plaintiff's Application For Default Judgment; and
- (3) Proposed Findings Of Fact, Conclusions Of Law, And Order For Judgment

by first class mail postage prepaid to each party named below at the address stated below for each party:

Northstate Financial Corporation
ATTN: Officer or Managing Agent
500 Ford Road
St. Louis Park, MN 55426

Rosedale Leasing, LLC,
ATTN: Officer or Managing Agent
500 Ford Road
St. Louis Park, MN 55426

James W. Plummer
5675 Trenton Lane North
Plymouth, MN 55442

Executed on January 25, 2010

/e/ Janet L. Pipp

Janet L. Pipp, Legal Secretary
Lapp, Libra, Thomson, Stoebner &
Pusch, Chartered
120 South Sixth Street, Suite 2500
Minneapolis, MN 55402
612/338-5815

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Chapter 7

Dennis E. Hecker,

Bky. Case No. 09-50779-RJK

Debtor.

Randall L. Seaver, Trustee,

Adv. No. 09-5030

Plaintiff,

vs.

Northstate Financial Corporation, Rosedale
Leasing, LLC, Bremer Bank, N.A., and
James W. Plummer,

Defendants.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER FOR JUDGMENT

This adversary proceeding came before the court upon the application of the plaintiff for default judgment against defendants Northstate Financial Corporation, Rosedale Leasing, LLC, and James W. Plummer. Based upon the application, the declaration of Randall L. Seaver and exhibits thereto, the amended complaint and exhibits thereto, and the file, the court makes the following:

FINDINGS OF FACT

1. The plaintiff is the trustee in this bankruptcy case.
2. The debtor's bankruptcy case was commenced on June 4, 2009.
3. Defendants Northstate and Rosedale were owned and controlled by the debtor prior to commencement of the debtor's bankruptcy case.

4. The plaintiff filed the amended complaint in this adversary proceeding on September 8, 2009.

5. The clerk issued a summons for the amended complaint to all of the defendants on September 8, 2009.

6. The plaintiff properly served the summons and amended complaint on all of the defendants on September 10, 2009.

7. The plaintiff and defendant Bremer Bank, N.A. subsequently entered into a stipulation for judgment that Bremer Bank has no interest in the Cobalt Boat, the Malibu Boat, and the Harley Davidson motorcycle that are the subject of this adversary proceeding. The court entered judgment pursuant to that stipulation on December 2, 2009.

8. More than 30 days have passed since the summons for the amended complaint was issued.

9. Defendants Northstate, Rosedale, and Plummer have not served or filed an answer or otherwise defended against the plaintiff's amended complaint.

10. At the time the debtor's case was commenced, Plummer had not received a certificate of title or manufacturer's or importer's certificate for the Cobalt Boat.

11. Prior to February 17, 2009, the debtor and Rosedale were identified as the titled owners of that certain 2007 Cobalt 222 Boat, serial no. FGE11242A707, including a trailer, identified as the "Cobalt Boat" in the amended complaint in this adversary proceeding.

12. Prior to February 17, 2009, the debtor and Rosedale were identified as the titled owners of that certain 2008 Malibu Wakesetter 23 Boat, serial no. MB2S7167H708, including a trailer, identified as the "Malibu Boat" in the amended complaint in this adversary proceeding.

13. On February 17, 2009, the debtor and Rosedale transferred title to the Cobalt Boat and the Malibu Boat to Northstate, but the debtor retained possession, use, and control of the Cobalt Boat and the Malibu Boat.

14. In December 2008, the debtor purchased a 2008 Harley Davidson FXDSE2, vehicle identification no. 1HD1PS8148K977133 identified as the “Motorcycle” in the amended complaint in this adversary proceeding.

15. The debtor paid for the motorcycle with his personal funds, but caused the motorcycle to be titled in the name of Northstate.

16. At all times relevant hereto, the debtor retained possession, use, and control of the motorcycle.

17. Following the commencement of the debtor’s case, the plaintiff obtained physical possession of the Malibu Boat.

CONCLUSIONS OF LAW

1. Northstate, Rosedale, and Plummer are in default due to their failure to timely answer or respond to the amended complaint.

2. Northstate and Rosedale are insiders of the debtor within the meaning of 11 U.S.C. § 101(31)(A).

3. The Cobalt Boat and the Malibu Boat are watercraft that are required to be titled by Minn. Stat. § 86B.825.

4. Minn. Stat. § 86B.825, Subd. 5 provides that “[A] person acquiring a watercraft, required to have a certificate of title under this section, through a sale or gift does not acquire a right, title, claim, or interest in the watercraft until the person has been issued a certificate of title to the watercraft or has received a manufacturer’s or importer’s certificate.”

5. Plummer does not have any interest in the Cobalt Boat.

6. By virtue of the transfers to Northstate, Rosedale has no interest in the Cobalt Boat or the Malibu Boat.

7. The debtor's transfer of his interest in the Cobalt Boat and trailer, the Malibu Boat and trailer, and the motorcycle constitute transfers of an interest of the debtor in property.

8. The debtor's transfer of the Cobalt Boat, the Malibu Boat, and the motorcycle were made within two years before the commencement of the debtor's case.

9. The debtor was insolvent within the meaning of 11 U.S.C. § 101(32) at the time he transferred the Cobalt Boat, the Malibu Boat, and the motorcycle to Northstate.

10. The debtor made the transfers of the Cobalt Boat, the Malibu Boat, and the motorcycle with actual intent to hinder, delay, or defraud his creditors.

11. The transfers of the Cobalt Boat, the Malibu Boat, and the motorcycle are fraudulent transfers within the meaning of 11 U.S.C. §§ 548(a)(1)(A) and (a)(1)(B) and Minn. Stat. §§ 513.44 and 513.45, and the plaintiff is entitled to avoid these transfers.

12. The plaintiff is entitled to judgment against defendants Northstate, Rosedale, and Plummer avoiding the transfers of the Cobalt Boat, the Malibu Boat, and the motorcycle and preserving these transfers for the benefit of the estate

ORDER FOR JUDGMENT

1. The debtor's transfers of the Cobalt Boat and trailer, the Malibu Boat and trailer, and the motorcycle are avoided. The Cobalt Boat, the Malibu Boat, and the motorcycle are property of the estate free of any interest of Plummer, Northstate or Rosedale.

2. The Minnesota Department of Natural Resources and/or the Minnesota Department of Public Safety as appropriate shall issue new certificates of title for the Cobalt

Boat and trailer, the Malibu Boat and trailer, and the motorcycle in the name of Randall L. Seaver, as trustee of the bankruptcy estate of Dennis E. Hecker free and clear of any liens or interests in favor of Plummer, Northstate or Rosedale.

Dated:

Robert J. Kressel
United States Bankruptcy Judge